

SON 09/077,572**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael A. Apicella et al.

Examiner: S. Devi

Serial No.: 09/077,572

Group Art Unit: 1645

Filed: October 13, 1998

Docket: 875.001US2

Title: NON-TOXIC MUTANTS OF PATHOGENIC GRAM-NEGATIVE BACTERIA**DECLARATION CONCERNING DEPOSIT OF MICROORGANISMS**

I, Michael A. Apicella, declare and say as follows:

1. I am an inventor with respect to the above-identified application.
2. On November 14, 2000, I made a patent deposit of nontypeable *Haemophilus influenza* strains 2019 B28 and 2019 B29 to the American Type Culture Collection Collection, 10801 University Blvd., Manassas, VA 20110-2209 under the provisions of the Budapest Treaty, and all restrictions will be irrevocably removed upon the granting of a patent on this application, and the deposits will be replaced if viable samples cannot be dispensed by the depository. Strain 2019 B28 was accorded ATCC Deposit number PTA-2667. Strain B29 was accorded ATCC Deposit number PTA-2668. The *Haemophilus* strains described in the specification as filed are the same as the *Haemophilus* strains deposited in the depository, and the deposited *Haemophilus* strains were in Applicants' possession at the time of filing of the above-identified application.
3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

12/8/00
Date


Michael A. Apicella